

A RESOLUTION

04- *R* -0996

BY FINANCE/EXECUTIVE COMMITTEE

**A RESOLUTION AMENDING RESOLUTION
NUMBER 03-R-0611 ADOPTED BY THE
COUNCIL ON MAY 5, 2003 AND APPROVED BY
THE MAYOR ON MAY 13, 2003 AUTHORIZING
THE DEVELOPMENT OF A COMMUNICATION
FACILITY WITH CERTAIN COMMUNICATIONS
EQUIPMENT LOCATED AT 1053 CASCADE
CIRCLE IN ATLANTA SO AS TO PROVIDE FOR
ADDITIONAL STEALTH TECHNOLOGY; AND
FOR OTHER PURPOSES.**

WHEREAS the Atlanta City Council adopted Resolution 03-R-0611 on May 5, 2003, and the Mayor adopted the same on May 13, 2003; and

WHEREAS Resolution 03-R-0611 authorized the Mayor to amend the existing master site lease and other contractual agreements with SprintCom, Inc. and, specifically, to "construct a Monopine/Tree communicat[ion] facility at 1053 Cascade Circle"; and

WHEREAS one of the purposes of said resolution was to accommodate additional demand for wireless telecommunications antennas and reduce the need for other tall towers in the vicinity; and

WHEREAS the "monopine tree" was selected for its ability to blend into the surroundings and have the best aesthetic effect upon the residents of the Cascade Circle neighborhood and the John A. White Golf Course; and

WHEREAS the citizens of the surrounding community have expressed concern that a monopine tree communications facility is inconsistent with certain historic resources and have requested a "Stealth Pole" in lieu thereof; and

WHEREAS City staff have investigated the placement of a stealth pole would accomplish the goals of the City Council in providing the least intrusion into the quiet peace and enjoyment of the neighbors and users of public facilities; and



WHEREAS based on the foregoing, the City Council therefore determined that substitution of telecommunications facilities would not compromise the objectives of resolution number 03-R-0611.

THE COUNCIL OF THE CITY OF ATLANTA GEORGIA hereby resolves that Section 1 of Resolution 03-R-0611 is hereby amended to permit SprintCom, Inc. to substitute the installation of a Stealth Pole in lieu of a Monopine/Tree communications facility at 1053 Cascade Circle, Atlanta, Georgia 30311 (John A. White Golf Course).

BE IT FURTHER RESOLVED that Sections 2, 3, and 4 of Resolution 03-R-0611 shall remain unaffected by this legislation and shall remain in full force and effect.

A true copy,

Shonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUN 07, 2004
JUN 14, 2004

**CITY COUNCIL
ATLANTA, GEORGIA**

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

03-*2*-0611

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO AMEND THE MASTER LEASE AGREEMENT WITH SPRINTCOM, INC., TO ADD THE DEVELOPMENT OF A MONOPINE/TREE COMMUNICATION FACILITY LOCATED AT 1053 CASCADE CIRCLE IN ATLANTA TOGETHER WITH STRUCTURES SHOWN ON THE ATTACHED SITE PLAN FOR CERTAIN COMMUNICATIONS EQUIPMENT TO BE LOCATED UPON THE LEASED SPACE; AND FOR OTHER PURPOSES; ALL REVENUE GENERATED SHALL BE DEPOSITED INTO FUND ACCOUNT AND CENTER NUMBER 3P02 462101 N21D11 B69999.

WHEREAS, SprintCom, Inc., requires antennas to provide wireless communication service to its customers; and

WHEREAS, SprintCom, Inc., wishes to reduce the proliferation of cellular towers within the City of Atlanta; and


WHEREAS, The City of Atlanta has entered into a master lease agreement with SprintCom, Inc., for the locating of wireless telecommunications towers and co-locating antennas upon same; and

WHEREAS, SprintCom, Inc., wishes to amend the master lease agreement to add 1053 Cascade Circle to the master site lease; and

WHEREAS, the City of Atlanta is the owner of the property located at 1053 Cascade Circle in Atlanta, Georgia 30311; and

WHEREAS, SprintCom, Inc., proposes to construct a Monopine/Tree communication facility which will benefit the City; and

WHEREAS, the proposed new Monopine/Tree communication facility will be constructed to accommodate additional demand and will reduce the need for other tall towers in the vicinity; and



WHEREAS, the Commissioner of the Department of Parks, Recreation and Cultural Affairs and the Director of the Office of General Services have recommended that a contract be entered into with SprintCom, Inc., ; and

WHEREAS, the term of the Site Lease, as provided for in the Master Lease Agreement, will be initially five (5) years and may be automatically renewed for up to four (4) successive five-year periods unless terminated by the City by written notice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

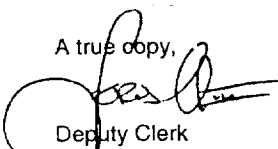
SECTION 1: That the Mayor is hereby authorized to amend the existing master site lease and other contractual agreements with SprintCom., Inc. and to construct a Monopine/Tree communicated facility at 1053 Cascade Circle and to lease a portion of the site for certain communication equipment.

SECTION 2: That the Site Lease, as provided in the Master Lease Agreement, shall be for an initial term of (5) years commencing on the date of the agreement and may be automatically renewed for up to four (4) five year periods. The base monthly rental during the first five (5) year renewal term shall be \$1600; provided, however, that this rental rate shall be increased annually every year thereafter in accordance with the consumer Price Index, but in no event shall each annual rental be greater than four percent (4%).

SECTION 3: That this site lease and other contractual agreements shall not become binding on the City, and the City shall not incur obligation upon the same until such master lease and other contractual agreements have been approved as to form by the City Attorney, executed by the Mayor, sealed by the Municipal Clerk and delivered to the contracting party.

SECTION 4: That all revenue generated shall be deposited into the Fund, Account Center Number 3P02 462101 N21D11 B69999.

A true copy,



Deputy Clerk

**ADOPTED by the City Council
APPROVED by the Mayor**

May 5, 2003
May 13, 2003



EXHIBIT B

TO THE MASTER LEASE AGREEMENT
DATED July 15, 1998
BETWEEN CITY OF ATLANTA, GEORGIA, AS LANDLORD
AND SPRINTCOM, INC. AS TENANT

Cell Site ID: **AT54XC277-D**
Cell Site Name: John A. White Golf Course
State: Georgia
City: Atlanta

ADDITIONAL SITE LEASE AGREEMENT
(Multiple Site Component)

THIS ADDITIONAL SITE LEASE AGREEMENT (this "Lease") is entered into this _____ day of _____, 2003, between the City of Atlanta, Georgia, a body corporate and politic ("Landlord"), and SprintCom, Inc., a Kansas corporation.

- Incorporation of Master Lease. This Lease is an "Additional Site Lease" as referenced in that certain Master Lease Agreement between Landlord and Tenant, dated July 15, 1998 (the "Master Lease"). All of the terms and conditions of the Master Lease are hereby incorporated herein by reference and made a part hereof without the necessity of attaching hereto the original or any copy of the Master Lease. Unless expressly modified herein, the terms and conditions of the Master Lease shall govern with respect to the subject matter hereof, and, unless otherwise defined herein, capitalized terms used herein shall have the respective meanings ascribed thereto in the Master Lease.
- Premises. The Premises leased by the Landlord to Tenant are for a Real Property Site on which Tenant proposes to erect or construct a communications tower (Monopine/Pinetree tower) to be mounted in the ground. The Premises are described on Exhibit A attached hereto and made a part hereof.
- Term. The initial Term of this Lease shall commence and expire as set forth in Section 4.a. of the Master Lease. The initial term of this Lease is for five (5) years. Tenant shall have the right to extend this Site Lease for four (4) additional, five-year terms. (Renewal Term).
- Rent. Rent shall be payable as set forth in Section 5.a. of the Master Lease. Tenant shall pay to Landlord, commencing upon the Commencement Date of this Lease, monthly Rent in an amount of one-thousand six-hundred (\$1,600) dollars. Monthly Rent under this Lease shall not be adjusted until the first Renewal Term as provided in Section 5.c. of the Master Lease.
- Special Access Arrangements. Landlord hereby grants to Tenant a non-exclusive easement benefiting Tenant's interest in the Premises for pedestrian and vehicular ingress

and egress, the installation of utilities serving the Premises and improvements thereon, and the maintenance and installation of other mechanisms required or recommended, over the property including improvements on the property of Landlord which surrounds the Premises. In this regard, Landlord shall also provide the Tenant any and all keys and/or combinations to any locks to allow Tenant full access for purposes of Tenant's easement set forth in the immediately preceding sentence.

6. Leaseback of Antenna Facilities. Tenant hereby agrees that, subject to the provisions of Section 19 of the Master Lease, Tenant will lease to Landlord, at the rental rate of \$10.00 per year, a portion of the communications tower erected by Tenant on the Premises for the construction and installation of Landlord's communications equipment.

7. Notices. Notices shall be addressed as follows:

If to Landlord to:

Chief Procurement Officer
City of Atlanta
Atlanta City Hall
55 Trinity Avenue, SW, Suite 1790
Atlanta, GA 30335

With a copy to:

Director of Office of General Service
City of Atlanta
Atlanta City Hall Tower
55 Trinity Avenue, SW, Suite 1225
Atlanta, GA 30335

If to Tenant to:

SprintCom, Inc.
National Lease Management Group
6391 Sprint Parkway
Mailstop KSOPHT0101-Z2650
Overland Park, Kansas 66251-2650

Sprint Law Department
6391 Sprint Parkway
Mailstop KSOPHT0101-Z2020
Overland Park, Kansas 66251-2020
Attn: Sprint PCS Real Estate Attorney

Tenant Emergency Point of Contact:
National Operations Control Center – 1-888-859-1400



Tenant Phone Number for Inquiries Regarding Contract Management
Lease Management Hotline – 1-800-357-7641

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date set forth above.

ATTEST:

Municipal Clerk (City Seal)

CITY OF ATLANTA:

Mayor

RECOMMENDED:

Office of General Services

RECOMMENDED:

Chief Operating Officer

RECOMMENDED:

Chief Procurement Officer

RECOMMENDED:

Chief Financial Officer

APPROVED AS TO FORM:

City Attorney

SprintCom, Inc. (Tenant)

Signature

Name:

Title:

Date:

Exhibit A

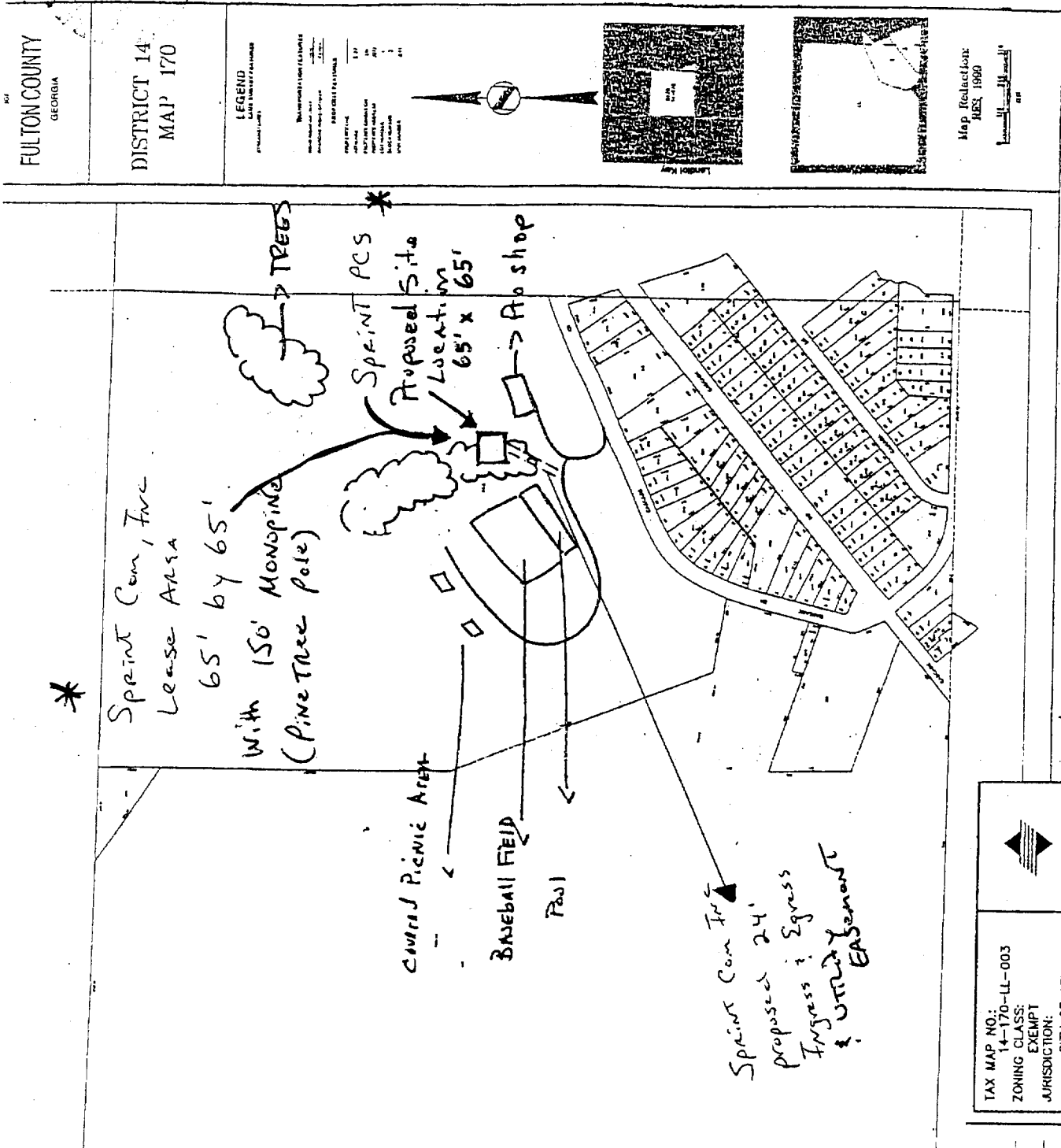


Exhibit A

LEASE AREA
SPRINT COM, INC.
SITE AT54XC277 D
"AVENIDA STREET"

All that tract or parcel of land lying and being in Land Lot 170 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at a point located at the centerline of Cascade Circle; said point having the coordinates of: Northing 1355550.86, Easting 2211232.08 (NAD 83); thence leaving the centerline of Cascade Circle and running, North 33°39'27" West, 91.82 feet to a point; thence, 214.42 feet along a curve to the left, having a radius of 150.00 feet and being scribed by a chord bearing North 74°36'32" West, 196.62 feet to a point; thence, South 64°26'24" West, 62.05 feet to a point; thence, South 41°43'17" West, 241.38 feet to a point; thence, South 65°43'32" West, 397.51 feet to a point; thence, North 69°50'57" West, 183.15 feet to a point; thence, 64.35 feet along a curve to the right, having a radius of 80.00 feet and being scribed by a chord bearing North 46°48'19" West, 62.63 feet to a point; thence, North 23°45'42" West, 189.51 feet to a point; thence, North 00°18'00" East, 308.94 feet to a point; thence, North 10°53'40" East, 101.70 feet to a point; thence, North 39°05'51" East, 46.35 feet to a point; thence, North 26°12'31" West, 87.23 feet to a point; thence running, South 85°04'40" West, 49.10 feet to a point and the true POINT OF BEGINNING; Thence running, North 04°55'20" West, 100.00 feet to a point; Thence, North 85°04'40" East, 100.00 feet to a point; Thence, South 04°55'20" East, 100.00 feet to a point; Thence, South 85°04'40" West, 100.00 feet to a point and the true POINT OF BEGINNING.

Said tract contains 0.2296 acres (10,000 square feet), more or less, as shown in a survey prepared for Sprint Com, Inc. by Site Design Services, Inc. dated August 22, 2001.

Exhibit A

24' INGRESS-EGRESS & UTILITY EASEMENT
SPRINT COM, INC.
SITE AT54XC277 D
"AVENIDA STREET"

Together with a 24 foot wide ingress-egress and utility easement lying and being in Land Lot 170 of the 14th District, Fulton County, Georgia, and being more particularly described by the following centerline data:

BEGINNING at a point located at the centerline of Cascade Circle; said point having the coordinates of: Northing 1355550.86, Easting 2211232.08 (NAD 83); Thence leaving the centerline of Cascade Circle and the true POINT OF BEGINNING and running, North 33°39'27" West, 91.82 feet to a point; Thence, 214.42 feet along a curve to the left, having a radius of 150.00 feet and being scribed by a chord bearing North 74°36'32" West, 196.62 feet to a point; Thence, South 64°26'24" West, 62.05 feet to a point; Thence, South 41°43'17" West, 241.38 feet to a point; Thence, South 65°43'32" West, 397.51 feet to a point; Thence, North 69°50'57" West, 183.15 feet to a point; Thence, 64.35 feet along a curve to the right, having a radius of 80.00 feet and being scribed by a chord bearing North 46°48'19" West, 62.63 feet to a point; Thence, North 23°45'42" West, 189.51 feet to a point; Thence, North 00°18'00" East, 308.94 feet to a point; Thence, North 10°53'40" East, 101.70 feet to a point; Thence, North 39°05'51" East, 46.35 feet to a point; Thence, North 26°12'31" West, 87.23 feet to the ENDING at a point.

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-17, EXCEPT: 04-R-1017
 04-O-0932 04-O-0933 04-R-0986
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 1
ABSENT 1

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0802 2. 04-O-0803 3. 04-O-0804 4. 04-O-0877 5. 04-O-0930 6. 04-O-0924 7. 04-O-0929 8. 04-O-0787 9. 04-O-0654 10. 04-O-0655 11. 04-O-0817 12. 04-O-0818 13. 04-O-0819 14. 04-O-0820 15. 04-O-0939 16. 04-R-1002 17. 04-R-1003 18. 04-R-1004 19. 04-R-1005 20. 04-R-1010 21. 04-R-1011 22. 04-R-1012 23. 04-R-1015 24. 04-R-0935 25. 04-R-1008 26. 04-R-1000 27. 04-R-1001 28. 04-R-0942 29. 04-R-0927 30. 04-R-0943 31. 04-R-1019 32. 04-R-0635 33. 04-R-0989 34. 04-R-0991 35. 04-R-0993 36. 04-R-0814 37. 04-R-0926 38. 04-R-0994 39. 04-R-0995 40. 04-R-0996 41. 04-R-0997 42. 04-R-0998	43. 04-R-1023 44. 04-R-1024 45. 04-R-1025 46. 04-R-0979 47. 04-R-0980 48. 04-R-0981 49. 04-R-0982 50. 04-R-0983 51. 04-R-0984 52. 04-R-0985 ITEMS ADVERSED ON CONSENT 53. 04-R-0944 54. 04-R-0945 55. 04-R-0946 56. 04-R-0947 57. 04-R-0948 58. 04-R-0949 59. 04-R-0950 60. 04-R-0951 61. 04-R-0952 62. 04-R-0953 63. 04-R-0954 64. 04-R-0955 65. 04-R-0956 66. 04-R-0957 67. 04-R-0958 68. 04-R-0959 69. 04-R-0960 70. 04-R-0962 71. 04-R-0963 72. 04-R-0964 73. 04-R-0965 74. 04-R-0966 75. 04-R-0967 76. 04-R-0968 77. 04-R-0969 78. 04-R-0970 79. 04-R-0971 80. 04-R-0972 81. 04-R-0973 82. 04-R-0974	83. 04-R-0975 84. 04-R-0976 85. 04-R-0977 86. 04-R-0978

04-R-0996

(Do Not Write Above This Line)

A RESOLUTION

BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AMENDING
RESOLUTION NUMBER 03-R-0611
ADOPTED BY THE COUNCIL ON MAY 5,
2003 AND APPROVED BY THE MAYOR
ON MAY 13, 2003 AUTHORIZING THE
DEVELOPMENT OF A
COMMUNICATION FACILITY WITH
CERTAIN COMMUNICATIONS
EQUIPMENT LOCATED AT 1053
CASCADE CIRCLE IN ATLANTA SO AS
TO PROVIDE FOR ADDITIONAL
STEALTH TECHNOLOGY; AND FOR
OTHER PURPOSES.

ADOPTED BY

JUN 07 2004

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Finance
Date *6-2-04*

Debra
Chair

Fav
Action
Fav, Adv, Hold (see rev. side)
Other

Members

Hand
Stunt
Marie
Quella

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

CERTIFIED

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

JUN 07 2004

JUN 07 2004

Ronald D. Bumpkin
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 14 2004

MAYOR